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09/588,879	06/06/2000	Nobuyoshi Morimoto	5596-00200	1074

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EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

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DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/588,879

Applicant(s)

MORIMOTO, NOBUYOSHI

Examiner

David E. England

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

1. Claims 1 – 37 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1, 9 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term, “first time value” is not specifically described in the specification.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1 – 3, 5, 6, 8, 9, 11, 12, 14 – 16, 18 – 22, 24 – 26, 28 – 31, 33, 34, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et al. (6418471) (hereinafter Shelton) in view of Eichstaedt et al. (666230) (hereinafter Eichstaedt).

5. Referencing claim 1, Shelton teaches a method for identifying distinct users accessing a web site, the method comprising:

6. storing one or more records in a database, wherein each record comprises an Internet address and a time value, and wherein each record corresponds to a different computer accessing said web site, (e.g. col. 10, lines 16 – 42);

7. receiving a first request from a first computer to access the web site, (e.g. col. 6, lines 7 – 23);

8. sending a request for information to said first computer, wherein said information comprises a first Internet address corresponding to said first computer, (e.g. col. 6, lines 7 – 23);

9. receiving said information, (e.g. col. 6, lines 7 – 23), but does not specifically teach a first time value;

10. determining whether a matching record for said first Internet address and said first time value exists in said database; and

11. identifying said first computer as a distinct user if said matching record does not exist in said database.

12. Eichstaedt teaches a first time value, (e.g. col. 7, lines 23 – 63, “*time value t*);

13. determining whether a matching record for said first Internet address and said first time value exists in said database, (e.g. col. 7, lines 23 – 63, “*IP address, time value t, deny list*); and

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14. identifying said first computer as a distinct user if said matching record does not exist in said database, (e.g. col. 7, lines 23 – 63, “*a real user and not a robot*”). It would have been obvious to one skilled in the art at the time the invention was made to combine Eichstaedt with Shelton because it would be more efficient for a system to update and log users interactions with a web sites which could aid in the determination in trends or stop invalid users, (robots), from accessing site that would require human interaction for payment of services, (example: robot programs buying large quantities of tickets to music venues and selling those tickets illegally at a higher price when the music venue is sold out.

15. As per claim 2, Shelton teaches said time value is associated with a user-defined event, (e.g. col. 10, lines 16 – 42 & col. 10, line 61 – col. 11, line 7).

16. As per claim 3, Shelton teaches said user-defined event is a launch of a web browser software on said first computer system, (e.g. col. 10, lines 16 – 42 & col. 10, line 61 – col. 11, line 7).

17. As per claim 5, Shelton teaches said Internet address is an Internet Protocol (IP) address, (e.g. col. 10, lines 16 – 42 & col. 10, line 61 – col. 11, line 7).

18. As per claim 6, Shelton teaches the database is an object oriented database or a relational database, (e.g. col. 10, lines 16 – 42 & col. 10, line 61 – col. 11, line 7).

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19. As per claim 8, Shelton teaches said first computer is a personal computer, a laptop computer, a notebook computer, an Internet-enabled cellular phone, an Internet-enabled personal digital assistant, or an Internet-enabled television, (e.g. col. 1, lines 15 – 45).

20. Claims 9, 11, 12, 14 – 16, 18 – 22, 24 – 26, 28 – 31, 33, 34, 36 and 37 are rejected for similar reasons as stated above.

21. Claims 4, 7, 10, 13, 17, 23, 27, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shelton et al. (6418471) (hereinafter Shelton) in view of Eichstaedt (666230) in further view of Bodnar et al. (6295541) (hereinafter Bodnar).

22. As per claim 4, Shelton and Eichstaedt do not specifically teach said time value is generated by a time keeping device, wherein said time keeping device is configured to synchronize said time value with a global time keeping standard clock. Bodnar teaches said time value is generated by a time keeping device, wherein said time keeping device is configured to synchronize said time value with a global time keeping standard clock, (e.g. col. 9, lines 19 – 60 & col. 25, line 52 – col. 26, line 20). It would have been obvious to one skilled in the art at the time the invention was made to combine Bodnar with the combine system of Shelton and Eichstaedt because it would be more efficient for a system to have a standard clock set to monitor users in trends in users accessing the web site and when the most users access the web site at a time, (peak time), and adjust the web site to accommodate the users as such.

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23. As per claim 7, Shelton and Eichstaedt teach all that is described above but does not specifically teach said timestamp for said matching record is older than a predetermined maximum time. Bodnar said timestamp for said matching record is older than a predetermined maximum time, (e.g. col. 27, line 40 – col. 28, line 31). It would have been obvious to one skilled in the art at the time the invention was made to combine Bodnar with the combine system of Shelton and Eichstaedt because it would be more efficient for a system to update the database after a predetermined max time so to have a dynamic database that would never have information that is older then the predetermined max time which would aid in the determination of user trends in close to real-time data.

24. Claims 10, 13, 17, 23, 27, 32 and 35 are rejected for similar reasons as stated above.

### ***Conclusion***

25. Applicant's arguments with respect to claims 1 – 37 have been considered but are moot in view of the new ground(s) of rejection.

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

27. a. Jindal et al. U.S. Patent No. 6249803 discloses Method and apparatus for executing code during method invocation.

28. b. Chen et al. U.S. Patent No. 6625624 discloses Information access system and method for archiving web pages.

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29. c. Davis et al. U.S. Patent No. 6643696 discloses Method and apparatus for tracking client interaction with a network resource and creating client profiles and resource database.
30. d. Davis et al. U.S. Patent No. 6516336 discloses Automatic software installation on heterogeneous networked computer systems.
31. e. Judson U.S. Patent No. 5572643 discloses Web browser with dynamic display of information objects during linking.
32. f. LaRue et al. U.S. Patent No. 6460051 discloses System and methods for synchronizing datasets in a communication environment having high-latency or other adverse characteristics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England



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Examiner  
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DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100